

**CITY OF MINNEAPOLIS
CITY COUNCIL
PUBLIC SAFETY & REGULATORY SERVICE COMMITTEE**

In the Matter of the Liquor License
Held by 4th Street Saloon, Inc.
DBA: 4th Street Saloon
328 West Broadway
License: Liquor Class B W/SS
L190-23993

**Findings of Fact,
Conclusions and
Recommendation**
Ward: 3

This matter came before a License Settlement Conference hearing on Tuesday, August 12, 2008. Appearing for the licensee was Michael Bernard Oker, General Manager, 4th Street Saloon. Appearing for the Licenses and Consumer services were Deputy Director Ricardo Cervantes, District Supervisor Linda Roberts and License Inspector Dan Jacobs. Lieutenant Steve Kincaid and Sergeant Jane Moore represented the Minneapolis Police Department. Based on the evidence presented at the hearing, the department makes the following findings of fact:

FINDINGS OF FACT

1. 4th Street Saloon has been in business in the city of Minneapolis since March 4, 1992.
2. The Minneapolis Police Department License Investigation Division conducts youth alcohol compliance checks in an effort to assure retail-alcohol license holders are not serving alcohol to persons under the age of 21. In a period from March 1992 to June 2007, 4th Street Saloon has had four 4 youth alcohol compliance checks, failing none.
3. On July 26, 2007, Minneapolis Police Officers conducted a youth alcohol compliance check at 4th Street Saloon. In this instance, one 1 underage customer was served a can of beer by staff at the bar. An administrative citation was issued at that time in the sum of \$500. This citation has been paid.
4. On July 2, 2008, another youth alcohol compliance check was done at the 4th Street Saloon. In this instance, two 2 underage customers were served a bottle of beer.
5. This was the second violation for the 4th Street Saloon in two 2 years. As a result of the compliance failure, an administrative citation was issued in the

amount of \$1000, as detailed in a City Council resolution. This citation has been paid.

CONCLUSIONS

1. On two 2 separate occasions, the same employee of the 4th Street Saloon sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance 370.10, Minnesota Statute 340A.503 subd. 2(1), and the established compliance check policy and procedures of the City of Minneapolis. These compliance failures occurred in a period of less than two 2 years.

RECOMMENDATIONS

Based on evidence presented at the hearing, the Department makes the following recommendations:

1. That a sanction in the amount of \$3,000.00 (\$1000 stayed for a period of two years pending no further alcohol compliance check failures). \$2000 will be paid upon signing this agreement, payable to the Minneapolis finance Department, delivered to the office of Licenses & Consumer Services.
2. The 4th Street Saloon agrees to establish and submit a written alcohol policy upon signing this agreement that includes training of staff prior to hire, training certification for essential employees, rewards, and penalties for employee noncompliance with policies and secret shoppers.
3. The 4th Street Saloon agrees to have a trained store manager on the premises during hours of operation to ensure compliance with the written alcohol policy.
4. The 4th Street Saloon will consistently operate the technology that requires a scanned ID prior to sale of alcohol.
5. A 4th Street Saloon representative will participate in the Liquor Industry And The City (LINC) Industry meeting.
6. The 4th Street Saloon will enforce a policy of no one under the age of twenty one, (21) allowed in the bar after 9:00 PM.
7. This Agreement does not alter or preclude any previously imposed license conditions that may exist regarding any other licenses held by 4th Street Saloon.
8. This Agreement shall not preclude any other adverse license action for subsequent violations of this Agreement, or for

subsequent violations or subsequently discovered violations of any federal, state or local laws, ordinances, or regulations.

9. "Date of Agreement" shall be defined as the date that the licensee signs or otherwise executes this Agreement. This Agreement is subject to approval by the Minneapolis City Council; however should such approval be obtained after the execution of this Agreement the approval shall be retroactive to the date of execution.

This action shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of this action, or for subsequent violations or subsequently discovered violations of any federal, state, or local laws, ordinances, or regulations.

For 4th Street Saloon, Inc.
d/b/a 4th Street Saloon:

By: 

Owner/Licensee

Dated: 9-07-08, 2008.

For the City of Minneapolis:

By: 

Ricardo Cervantes, Deputy Director
Licenses & Consumer Services

Dated: Sept 30, 2008.